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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,482	12/04/2003	George Olaru	2107.0340001	7525
26111	7590	06/13/2005	EXAMINER	
STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			HOGAN, JAMES SEAN	
			ART UNIT	PAPER NUMBER
			3752	

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

5A

Office Action Summary	Application No.	Applicant(s)	
	10/726,482	OLARU, GEORGE	
	Examiner	Art Unit	
	James S. Hogan	3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9, 12, 13 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 5, 10, 11 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>06/16/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-9, 12, 13, and 15-20 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,761,557 to Gellert et al. in view of U.S. Patent No. 6,043,446 to Jenko et al.

Regarding the claims, Gellert ('557) teaches a nozzle body having a melt channel with a first heater (106) securely attached to the nozzle body. Gellert et al. ('557) also teaches a second heater (102) for heating the melt channel, however Gellert et al. ('557) does not teach the second heater being slideably attached and partially overlapping the first heater. Jenko et al ('446) teaches a slide-on heater clamp (100) designed for clamping to an object for heating purposes, especially a nozzle or a hot runner channel. Depending on how far up the body of a nozzle the clamp heater is placed would determine whether or not the first heater of a hot runner channel and the second heater would overlap. As per claim 2, the first heater of Gellert ('557) is embedded (see fig. 11) in the nozzle body. As per claim 3, the nozzle body of Gellert ('557) is grooved for the placement of the heaters. As per claim 4, the first heater of Gellert ('557) is located around and in contact with an external surface (104) of the nozzle body. As per claims 6-9 and 18-20, the dual-heater nozzle of Gellert ('557) is

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teaches the first portion of the melt channel heated by the first heaters is substantially the same as the second portion heated by the second heater, and that the two heaters can be operated independently from each other or simultaneously (See claims 4-5 of Gellert ('557)) in any combination. As for claim 12, the second heater of Jenko et al. ('446) is located on a sleeve (108) that is clampable to a nozzle body. As for claims 13, a thermocouple (128) (see fig 7a) on the Jenko et al. ('455) device monitors the temperature of a heater, and thus possibly both heaters of a hot melt runner nozzle. Hence, it would have been obvious to one skilled in the art to have modified the dual-heater hot runner melt nozzle of Gellert ('557) with the slide-on, heater clamp of Jenko et al ('455) in order to provide a nozzle that can be operated in a multitude of electrical methods, as well as being totally capable of being disassembled for cleaning and/or maintained.

Allowable Subject Matter

3. Claims 5, 10, 11 and 14 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Is as follows:

U.S. Patent No. 5,411,392 to Von Buren, disclosing a heater nozzle clamp

U.S. Patent No. 4,304,544 to Crandell, disclosing a heated nozzle

U.S. Patent No. 5,955,120 to Deissler, disclosing a heated nozzle

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Hogan whose telephone number is (571) 272-4902. The examiner can normally be reached on Mon-Fri, 7:00a-4:00p EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JSH
05/26/2005



David A. Scherbel
Supervisory Patent Examiner
Group 3700